

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.)
)
 DARLENE PACHECO)

CRIMINAL ACTION
NO. 05-10032-PBS

**DEFENDANT'S MOTION FOR WAIVER OF THE ELECTRONIC FILING
REQUIREMENT**

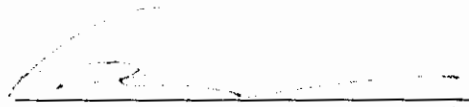
Now comes the Defendant, by and through her undersigned counsel, and hereby moves this Honorable Court for a waiver of the electronic filing requirement regarding Defendant's Motion to Continue Sentencing Hearing filed on June 29, 2005. As grounds therefore, Defendant's attorney states as follows:

1. On June 19, 2005, the law offices of Defendant's attorney, James S. Lawrence, Flaherty & Lawrence, at 70 Jefferson Boulevard, Warwick, Rhode Island, sustained catastrophic water damage from a pipe that burst in the offices directly above those of Defendant's Counsel.
2. The said water damage has rendered the office utterly inoperable, destroying much of said counsel's computer network, and according to disaster recovery specialists managing the clean-up, will remain inoperable for a period of an undetermined number of weeks, and will likely require temporary relocation of its offices.
3. As a result of the averments presented in Paragraphs 1 and 2, *supra*, Defendant filed a Defendant's Motion to Continue Sentencing Hearing filed on June 29, 2005 via overnight mail. Said pleading was not docketed due to the failure of Defendant's counsel to file the same electronically with the Court in accordance with Judge Saris' standing procedural order.
4. Given the circumstances of Defendant's counsel's office, it would be of great difficulty for Defendant's Motion to Continue Sentencing Hearing to

be filed electronically or for Defendant's counsel to otherwise register for electronic filing within a suitable time frame.

WHEREFORE, Defendant prays that the within motion be granted and that this Honorable Court waive of the electronic filing requirement regarding Defendant's Motion to Continue Sentencing Hearing filed on June 29, 2005.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of June, 2005, I mailed a true and accurate copy of the foregoing to:

Adam J. Bookbinder, Esq.
United States Attorney's Office
1 Courthouse Way, Suite 9200
Boston, MA 02210

Tricia Marcy
U.S. Probation Officer
1 Courthouse Way, Suite 1200
Boston, MA 02210
